

APPROVED

BOARD OF DENTISTRY

**MINUTES
FORMAL HEARING**

TIME AND PLACE: A meeting of the Virginia Board of Dentistry convened on June 6, 2008, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

**FIRST FORMAL
HEARING:** 1:55 p.m.

PRESIDING: Paul N. Zimmet, D.D.S.

MEMBERS PRESENT: Meera A. Gokli, D.D.S.
Myra Howard, D.D.S.
Jeffrey Levin, D.D.S.
Glenn A. Young, D.D.S.
Jacqueline G. Pace, R.D.H.
James D. Watkins, D.D.S.

MEMBERS ABSENT: All eligible members were present.

STAFF PRESENT: Sandra K. Reen, Executive Director

COUNSEL PRESENT: Howard Casway, Senior Assistant Attorney General

OTHERS PRESENT: James Schliessmann, Assistant Attorney General
Gail W. Ross, Adjudication Specialist
Kimberly L. Krett, Court Reporter, Cavalier Reporting, Inc.

QUORUM: With seven members of the Board present, a quorum was established.

**Murr R. Oettinger,
D.D.S.
Case Nos. 108094,
108095, 99372, 104949**

Murr R. Oettinger, D.D.S. appeared without counsel to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that

1. On multiple occasions in 2006, he prescribed Schedule VI controlled substances in violation of Term #1 of the Board Order prohibiting such acts.
2. An inspection of his practice conducted on April 25, 2006 revealed that he was maintaining Schedule VI controlled substances in violation of Term #1 of the

Board Order prohibiting such possession.

3. He failed to submit the \$200 inspection fee within 30 days of the April 12, 2007 inspection of his office.
4. There was no updated health history in Patient A's record.
5. He failed to document in Patient A's chart that he had prescribed erythromycin prior to treatment.
6. He fraudulently billed insurance companies and patients related to his treatment of Patients J, K, N, L, M, and O.
7. He failed to diagnose periodontal disease, caries and decay for Patients P, Q, R and S.
8. His records for Patients A, J, K, and M through S were poorly documented in that diagnosis was minimal or totally absent.

The Board admitted into evidence Commonwealth's exhibits 1 through 7.

Dr. Oettinger stated he had no exhibits.

Testifying on behalf of the Commonwealth was Leith Ellis, Senior Investigator, and Dr. Richard D. Wilson, D.D.S.

Dr. Oettinger testified on his own behalf.

Closed Meeting:

Dr. Gokli moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Murr R. Oettinger, D.D.S. Additionally, Dr. Gokli moved that Board Staff, Sandra Reen, and Board Counsel, Howard Casway, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Gokli moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Mr. Casway read the Findings of Fact adopted by the Board indicating that:

1. Dr. Oettinger, D.D.S., holds license number 0401-004350 to practice dentistry in the Commonwealth of Virginia.
2. By Order of the Board entered September 28, 2005, Dr. Oettinger's license to practice dentistry in the Commonwealth of Virginia was placed on indefinite probation for a period of not less than three (3) years, subject to terms and conditions.
3. On multiple occasions in 2006, Dr. Oettinger prescribed Schedule VI controlled substances to patients in violation of Term #1 of the Board's Order prohibiting such acts.
4. Dr. Oettinger maintained Schedule VI controlled substances in violation of Term #1 of the Board's Order prohibiting such possession.
5. Following an inspection of Dr. Oettinger's office on April 12, 2007, he failed to submit his two hundred dollar (\$200) inspection fee within thirty (30) days of the inspection, as required by Term #2 of the Board's Order.
6. Dr. Oettinger failed to obtain an updated health history for Patient A, whose record documented treatment from 1990 to 2006.
7. On or about February 14, 2006, Dr. Oettinger failed to document in Patient A's chart that he prescribed erythromycin prior to treatment.
8. Dr. Oettinger fraudulently billed insurance companies and/or patients for dental services.
9. Dr. Oettinger failed to properly diagnose and/or treat Patients P-S.
10. Dr. Oettinger's records for Patients A, J, K, and M-S were poorly documented. Specifically, the recorded diagnosis for all patients was minimal, and in many instances totally absent.

Mr. Casway reported that the Board concluded that:

1. Findings of Facts #3a-i and #4 constitute a violation of Term 1 of the Board's Order entered September 28, 2005.
2. Finding of Fact #5 constitutes a violation of Term 2 of the Board's Order entered September 28, 2005.
3. Finding of Fact #6 constitutes a violation of § 54.1-

- 2706(5), (9), and (11) of the Code and 18 VAC 60-20-15(2) of the Virginia Board of Dentistry Regulations.
4. Finding of Fact #7 constitutes a violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-15(4) of the Virginia Board of Dentistry Regulations.
 5. Findings of Facts #8a-d constitute a violation of § 54.1-2706(4) and (9) of the Code and 18 VAC 60-20-170(1) of the Virginia Board of Dentistry Regulations.
 6. Finding of Fact #9 constitutes a violation of § 54.1-2706(5) and (11) of the Code.
 7. Finding of Fact #10 constitutes a violation of § 54.1-2706(9) of the Code and 18 VAC 60-20-15(3) of the Virginia Board of Dentistry Regulations.

Mr. Casway advised that the Board's decision was to revoke Dr. Oettinger's license to practice dentistry in the Commonwealth of Virginia.

Dr. Gokli moved to adopt the Findings of Fact, Conclusions of Law and the revocation of Dr. Oettinger's license as read by Mr. Casway and issue an Order stating such. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Board adjourned at 3:48 p.m. on Friday, June 06, 2008.

Paul N. Zimmet, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date